

Secret CIA Report On Bomber Deal Revealed in Court

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BUFFALO, N.Y.—The Central Intelligence Agency had un-

evaluated but essentially accurate information on a plan to export to prove the case against Hawke bombers to Portugal four days before the first plane took off, and, perhaps, De Montmarin. A secret CIA report made public in a federal courtroom here On the other hand, the govern-

yesterday seemed to contradict the assurance given by a U.S. ment feared that if the CIA spokesman in the United Nations on Dec. 18, 1965 that the ship-relied on executive privilege to ment of planes was done "with- sold as executive planes. The keep its files from being made out the knowledge of the United planes are then flown to Portu-public, the case might end in a States government." gal and landed at the Tancos Air mistrial.

In an extremely rare move, Force Base. The delivery sched- In the end, it was decided to Lawrence R. Houston, general-ule was to be one plane per permit Houston to be called as a counsel of the CIA, appeared in week beginning 24 May but the defense witness for Hawke court here under subpoena from first plane was delayed so that it rather than as a prosecution one of the two men on trial for would not be on the field when witness.

smuggling seven B-26 bombers French Defense Minister Mess- As yesterday's court session to Portugal. mer visited Tancos in late May. ended, Marger—holding a copy- It is believed that 2 or 3 planes of the book, "The Invisible have now been delivered." Government," in his hand—was

Houston brought with him what he said was the CIA's complete file on the case. During the trial of John attempting to learn from Hous- Richard Hawke, pilot of the ton whether the CIA had been authorized by the National

Four CIA reports on the plane shipment were examined by seven planes that were deliv- Federal District Judge John O. ered, and Count Henri Marin de Security Council to carry out Henderson in his chambers and Montmarin, the alleged go- clandestine operations only if then made available to defense between in the deal, it has been they are "secret and plausibly counsel after they had been developed that the planes went deniable."

censored to remove information from Tucson, Ariz., rather than Judge Henderson recessed the trial until 9:30 a.m. Tuesday about the CIA's sources and Texas, directly to Tancos, before Houston was required to methods of obtaining the infor- without touching Switzerland. answer the question.

Before court adjourned for distributed, only one plane had In another case being heard in, the weekend, however, only one reached Tancos. Otherwise, the a Baltimore federal court, the of the four secret reports was CIA report still appears essen- CIA has made available a tially accurate. directive it received from the National Security Council. But

Houston said the first infor- Under questioning by Hawke's attorney, Edwin Marger of the CIA has insisted that the mation on the operation was received from Lisbon on May Miami Beach. Houston said the document not be shown to the 25, 1965—four days before the initial report on the plane ship- plaintiff in the case, who is first flight took off—and was ment "was considered impor- suing a CIA agent for slander distributed on June 10 in a CIA tant information for the ap- for calling him a "Soviet intelli- Intelligence Information Ca- propriate agency"—but that gence operative." His lawyers

ble" to the following agencies: agency was not the CIA. He was have refused to examine the State Department intelligence agency should have been con- document. section; Defense Intelligence cerned. Hawke has contended since the time of his arrest more than a year ago that he was con- vincted that he was working for the U.S. government as part of a CIA-sponsored plan to provide the Portuguese with ground- attack aircraft for use in Africa.

The Cable

"Portugal," the cable said, on the case had appeared in a In December, after an article, "has purchased about 20 B26 British newspaper, a Hungarian delegate to the United Nations charged that the United States. aircraft from a private firm, which is represented in Lisbon by Count Antoine de Beaumont. had secretly arranged the plane shipment to Portugal. The planes are flown from a base in Texas to Canada where they are modified for extra fuel tanks to fly the Atlantic via an unknown refueling base. The In reply, Mrs. Eugenie Ander- son, a U.S. permanent repre- sentative to the United Nations, said the planes had been "ille- gally exported from the United States in violation of United

State's law"—and that this was without the knowledge of the United States government."

The dilemma of the govern- ment in handling the plane- smuggling case has become increasingly apparent in Judge Henderson's sixth-floor court- room in the federal office build- ing here.

The government had promised in the United Nations that the case would be vigorously prose- cuted. But opening up the CIA

files may make it more difficult to prove the case against Hawke. On the other hand, the govern- ment feared that if the CIA kept its files from being made public, the case might end in a mistrial.

In the end, it was decided to permit Houston to be called as a defense witness for Hawke rather than as a prosecution witness.

As yesterday's court session ended, Marger—holding a copy- of the book, "The Invisible Government," in his hand—was attempting to learn from Hous- ton whether the CIA had been authorized by the National Security Council to carry out clandestine operations only if they are "secret and plausibly deniable."

Judge Henderson recessed the trial until 9:30 a.m. Tuesday before Houston was required to answer the question.

In another case being heard in, a Baltimore federal court, the CIA has made available a directive it received from the National Security Council. But the CIA has insisted that the document not be shown to the plaintiff in the case, who is suing a CIA agent for slander for calling him a "Soviet intelligence operative." His lawyers have refused to examine the document.

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